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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,469	07/29/2003	Dean R. Garfinkel	1039-030	9182

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 09/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/630,469

Applicant(s)

GARFINKEL ET AL.

Examiner

Quynh H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3, 5-6, 8-10, and 12-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Pelletier et al. (U.S. Patent 6,496,569).

As to claims 1 and 8, Pelletier et al. teaches a method for providing caller ID information for outgoing telephone calls (see abstract) comprising:

reviewing each outgoing call at a primary switch cluster of a carrier to determine if the telephone call requires caller ID information (col. 3, lines 11-16);

if the call requires caller ID information (col. 3, lines 29-31), determining if the outgoing telephone call is carrying the originating call's caller ID information or if the outgoing telephone call is carrying a valid caller ID information packet (col. 8, lines 32-34);

if the call is not carrying any caller ID information (col.6, lines 9-11; col. 8, lines 35-37; col. 11, lines 9-12), providing a predetermined caller ID information packet to the primary switch cluster to be matched with the call (col. 4, lines 11-18);

if the caller ID information is not required, allowing the call to continue at the switch is inherent and well known to those skilled in the art. If caller ID is not required, the connection between caller and called parties established in normal manner.

As to claims 2 and 9, Pelletier et al. teaches a control computer analyzes the call to determine whether the call requires caller ID information to be carried with the call (col. 3, lines 13-17 - *where Pelletier discussed the computer readable program code 22 resides in a computer network 20 determine whether the caller ID is required or can be provided*).

As to claims 3 and 10, Pelletier et al. teaches a database contains caller ID information (col. 4, lines 11-12 - *SCP database 244*) to be inserted at the switch with calls requiring caller ID information (col. 4, lines 12-18).

As to claims 5 and 12, Pelletier et al. teaches the control compute is physically in a location different than the primary switch (Fig. 1 and 3, control computer is part/in network 20 and the primary switch for calling communication station is at central office).

As to claims 6 and 13, Pelletier et al. teaches the method of claims 2 and 9 having two or more computers (it is possible that there exist more than 1 computer in network 20 of Fig. 1 and not shown).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier et al. (U.S. Patent 6,496,569) in view of Fotta (U.S. Patent 6,130,937).

As to claims 4 and 11, Pelletier et al. does not teach determining if the call should be completed or blocked based on a comparison of the call's originating information and its destination information against a "do-not-call" block lists.

Fotta teaches determining if the call should be completed or blocked based on a comparison of the call's originating information and its destination information against a "do-not-call" block lists (abstract; col. 2, lines 2-21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Fotta into the teachings of Pelletier for the purpose of if a consumer who expresses a desire not to be solicited by telephone calls from telemarketing, not be called.

5. Claims 7 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pelletier et al. (U.S. Patent 6,496,569).

As to claims 7 and 14, Pelletier et al. teaches a subscriber may use a computer to access the World Wide Web over the Internet to input/modify a privacy schedule (col. 10, lines 7-14) and the party can transmit input to SN 250 or IP 290 (col. 8, lines 8-19). However, Pelletier does not explicitly teach the user inputs caller ID information into the database. It would have been obvious to one of ordinary skill in the art at the time the invention was made that instead of inputting the scheduling, the user may input caller ID

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information into the database. This feature is well known in the art and the advantage of using this feature is also well known.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bingaman et al. (U.S. Patent 6,000,031) teaches method and system for collecting and authenticating updates to a network-based directory service. Blumhardt (U.S. Patent 5,533,106) teaches method and system for processing calls wherein the display of calling party information has been inhibited. Garfinkel (U.S. Patent 6,330,317) teaches call blocking system.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 571-272-7489. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan, can be reached on 571-272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

qhn

*Quynh H. Nguyen*  
Quynh H. Nguyen  
September 18, 2006